

Senator Camp moved a suspension of rules, to take up Senate bill No. 120, "An act to create and provide for the organization of the county of Stonewall." Rules suspended bill and report of committee on said bill taken up, wherein the committee recommend the striking out of the word "Stonewall," and inserting "Camp." The amendments of the committee were adopted.

Senator Camp offered the following amendments: Amend by striking out all of the metes and bounds set forth in the original bill, and insert the following: "Beginning at a point twelve miles due north from the town of Gilmer; thence west to the Wood county line, and from said point twelve miles north of the town of Gilmer; thence due east to Big Cypress, the east boundary line of said county of Upshur; thence north with the meandering of said stream, the same being the county line of said Upshur county, to the northeast corner of said county of Upshur; thence northwest with the meanderings of said stream to the northwest corner of said county; thence south with the west boundary line of said Upshur county to the point where the due west line from the point twelve miles north of the town of Gilmer intersects the Wood county line." Adopted.

Amend by striking out the name of I. G. McGhee and J. W. Wright, and insert the names of J. G. Credell, J. R. Strickland and W. J. Singleterry in lieu thereof.

On motion of Senator Dwyer, the amendments offered by Senator Camp were adopted.

On motion of Senator Flanagan, the bill was ordered engrossed.

On motion of Senator Swift, the rules were further suspended, the bill was read third time and passed by the following vote:

Yeas—Senators Ball, Baker, Bradshaw, Camp, Davenport, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Parker, Russell, Stirman, Swift, Trolinger and Westfall—18.

Nays—Senators Allison and Wood—2.

On motion of Senator Dwyer, the rules were suspended to take up House bill No. 136, "An act to create and organize the county of Tom Green." Bill taken up, read second time, amendments proposed by the committee adopted and passed to third reading.

On motion of Senator Russell, the rules were further suspended, bill read third time and passed by the following vote:

Yeas—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ledbetter, Moore, Parker, Russell, Swift, Trolinger, Westfall and Wood—22.

Nays—None.

On motion of Senator Westfall, the rules were suspended to take up Senate bill No. 81, "An act for the relief of justices of the peace, assessing the taxes for the year 1873." Bill taken up, read second time and ordered engrossed.

On motion of Senator Parker, the rules were suspended to take up Senate bill No. 33, "An act to provide a jury fund and regulate disbursement of same." Bill taken up and read second time.

On motion of Senator Flanagan, the bill was recommitted to the Judiciary Committee.

On motion of Senator Trolinger, the rules were suspended to take up Senate bill No. 109, "An act to provide for and regulate the registration of deaths." Rules suspended, bill taken up and recommitted to the Judiciary Committee.

On motion of Senator Flanagan, the Senate stood adjourned.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, March 12, 1874. }

Senate met pursuant to adjournment.

Senator Dillard stated that the President of the Senate was still ill, and that the first business in order would be the election of a presiding officer for the day.

Senator Westfall moved that Senator Dillard be elected to preside over the Senate to-day. Carried.

Roll called; quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Bradshaw presented petitions of citizens of five different counties, to-wit: Ellis, Gonzales, Fannin, Navarro and Hill counties, praying the Legislature to pass a temperance law, similar to the one known as the "Ohio liquor law." Read and referred to Judiciary Committee.

Senator Flanagan presented the petition of citizens of Belleville and vicinity, Rusk county, asking the Legislature to change the act prohibiting the sale of spirituous liquors in said town, so as it should read that no liquors shall be sold within two miles of said town, whereas the original bill only extended the prohibition to one mile. Read and referred to Committee on Education.

Senator Camp presented the petition of citizens of Smith county, "protesting against the establishment of the office of public weigher." Read and referred to Committee on State Affairs.

Report from Committee on Indian Affairs and Frontier Protection:

Hon. R. B. Hubbard, *President of the Senate*:
Your Committee on Indian Affairs and

Frontier Protection, to whom was referred Senate bill No. 255, "An Act to award Winchester rifles to certain persons, and making an appropriation for the same," have had the same under consideration, and I am instructed to report it back, with the recommendation that it do pass.

A. J. BALL, Chairman.

Senator Wood, for Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 27, "An act to regulate common carriers," have carefully considered the same, and instruct me to report it back, with the following amendment: Amend by striking out of the third section of said bill all after the word "lines" in the tenth line of said section, to the word "any" in the fifteenth line of said section. With this amendment to the bill, the committee recommend the passage of the same.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 65, "An act to regulate public carriers, and define their liabilities," have examined the same, and instruct me to report the same back and recommend that the same do not pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 212, "An act to enable common carriers to dispose of unclaimed freight or baggage," have had the same under consideration, and instruct me to report the bill back with the following amendments: Amend by striking out section sixth, and also amend by inserting an enacting clause, and recommend that the bill, as amended, do pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 247, "An act to authorize the judge of the Twenty-first Judicial District to hold a special term of court in Fort Bend county," have had the same under consideration, and instruct me to report the bill back with the recommendation that it do pass.

W. D. Wood, Chairman, *pro tem.*

Hon. R. B. Hubbard, President of the Senate:

Your committee on Judiciary, to whom was referred House bill No. 151, "An act making appropriations to pay costs due sheriffs, clerks and attorneys, in felony cases, in district courts for 1873 and previous years, to pay the fees of justices of the peace, and other peace officers, in criminal prosecutions for 1872 and previous years; and to pay justices of the peace for assessing the taxes for 1873," have had the same under consideration, and instruct me

to report the bill back with the recommendation that it do pass.

W. D. Wood, Chairman, *pro tem.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred Senate bill No. 257, "An act to amend section ninety, of 'An act to regulate proceedings in district courts,'" approved May 13, 1846, have had the same under consideration, and instruct me to report the same back with the following amendment: Strike out the word "three," in section one, line twenty-two, of the original bill, and insert in lieu thereof, "fifteen," and recommend that the bill, as amended, do pass.

W. D. Wood, Chairman *pro tem.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred Senate bill No. 244, "An act to authorize the justice of the peace in and for precinct No. 3, in Fayette county, to hold sessions of his court alternately in each month, at the towns of Winchester and Round Top in said precinct," have had the same under consideration and instruct me to report the accompanying substitute for the same, with the recommendation that it do pass.

W. D. Wood, Chairman *pro tem.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee to whom was referred Senate bill No. 259, "An act to establish a ferry across the San Antonio river, in Goliad county, at Stripling's crossing," have had the same under consideration and instruct me to report the bill back, with the recommendation that it do not pass.

W. D. Wood, Chairman *pro tem.*

On motion of Senator Wood, Senator Bradley was excused for the day.

House joint resolution, No 11, "calling for a Constitutional Convention," was taken up.

Senator Camp moved that the resolution be not referred to a committee, but that it be considered now. Carried.

Senator Camp then moved that the resolution be indefinitely postponed. Lost by the following vote:

Yeas—Senators Allison, Baker, Camp, Davenport, Erath, Ledbetter, Morris, Parker, Russell, Westfall and Wood—11.

Nays—Senators Ball, Bradshaw, Burton, Culberson, Dillard, Dwyer, Flanagan, Friend, Hobby, Moore, Randle, Stirman, Swift and Trolinger—14.

Senator Culberson offered the following amendment: Strike out the words "one delegate" and insert "three delegates."

Senator Wood made the point of order that the substance of the present resolution has been voted down by the Senate at the present session of the Legislature, and therefore, under the Constitution, the Senate could not further consider the joint resolution at this session of the Legislature.

The President *pro tem* decided the point of order not well taken.

Senator Wood appealed from the decision of the chair.

The Senate refused to sustain the decision of the chair, by the following vote:

Yeas—Senators Ball, Bradshaw, Burton, Culberson, Flanagan, Friend, Hobby, Randle, Stirman, Swift and Trolinger—11.

Nays—Senators Allison, Baker, Camp, Davenport, Dwyer, Erath, Ledbetter, Morris, Moore, Parker, Russell, Westfall and Wood—13.

A message from the House announced the passage of Senate bill No. 61, "An act to provide for the public printing by contract," with amendments by the House.

Senator Allison introduced a bill entitled "An act to prevent the sale of poisonous or drugged liquors." Read first time and referred to Judiciary Committee.

Senator Morris introduced a bill entitled "An act to provide for the assessment and collection of taxes." Read first time and referred to Judiciary Committee.

House bill No. 121, "An act authorizing the County Court of Galveston county to issue and provide for the payment of bonds to be used in erecting suitable buildings for the Supreme Court," was taken up, read first time and referred to Finance Committee.

House bill No. 315, "An act to regulate proceedings in the Supreme Court," was taken up, read first time and referred to Judiciary Committee.

Senator Swift offered the following resolution:

Resolved, That the Secretary of the Senate be allowed to furnish the proceedings of the Senate to the proprietors of the DEMOCRATIC STATESMAN for publication until otherwise provided for.

Adopted.

On motion of Senator Flanagan, the special order for this hour, the same being Senate bill No. 118, "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," be postponed for ten minutes, in order to take up and consider House amendments to Senate bill No. 61, "An act to provide for the public printing by contract." Motion carried and said bill taken up and House amendments thereto concurred in.

The special order, being Senate bill No. 118, "An act to limit the amount to be issued in bonds of the State to the International Railroad company, and to provide for the payment of the same," it was taken up and considered.

Senator Wood offered the following amendment: "Section — The acceptance of the bonds authorized to be issued and

delivered to the International Railroad Company by said company shall constitute the State of Texas a stockholder and owner in said International railroad to the amount of the bonds delivered to said company under this act and accepted by said company, and said company, by its proper constituted authorities, shall issue to the State of Texas certificates of stock for the amount of the bonds accepted, as aforesaid; which said certificates of stock shall be delivered to the Governor of this State, who shall deposit the same with the Treasurer of the State, and the Governor shall represent the State in all meetings of the stockholders of said company; either in person or proxy, and shall be entitled to the number of votes, as the representative of the State, that the amount of stock held by the State shall authorize under the charter or by-laws of said company; *provided*, that the stock belonging to the State shall not be subject to forced sale; nor shall the title of the State to said stock ever be divested without the consent of the Legislature; *and provided further*, that the stockholders shall have the privilege to purchase the interest of the State in said road at any time, they securing the State by a first lien on the road bed and rolling stock; *and provided further*, that they shall not be required to pay any of the purchase money to the State for ten years after the passage of this act; and they shall not be required to pay more than \$450,000 per annum, which shall continue from year to year until the purchase money is paid, and interest on same at the rate of four per cent. per annum.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following Senate bills, to-wit: Senate bill No. 59, "An act to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same;" Senate bill No. 57, "An act to provide for the registration of voters in all the incorporated towns and cities within the State, not otherwise provided for law." Also, Senate joint resolution No. 76, "Joint resolution asking our Senators and Representatives in Congress to procure an appropriation by Congress to improve the navigation of Soda Lake and Cypress Bayou," and find the same correctly enrolled, and have this twelfth day of March, 1874, at 11 A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Wood moved to postpone the special order under consideration until Wednesday next, at 11 A. M., make it special order for that day and hour, and to continue as said special order from day to day until disposed of. Lost by the following vote:

Yeas—Senators Allison, Bradshaw, Camp, Davenport, Dillard, Hobby, Moore, Trolinger, Westfall and Wood—10.

Nays—Senators Ball, Baker, Culberson, Dwyer, Erath, Flanagan, Friend, Ledbetter, Morris, Randle, Russell, Stirman and Swift—13.

Pending the discussion of the special order, a message was received from the House informing the Senate that the House had passed the following bills: Senate bill No. 56, to regulate the collection of accounts from another State, or from another county in this State than that in which suit is brought; Senate bill No. 91, for the relief of the purchasers of University lands, and to validate the patents heretofore issued, with amendments; Senate bill No. 32, to amend article seven hundred and seventy-three *b*, of the Criminal Code; Senate bill No. 53, to amend article five hundred and eighty-seven of the Code of Criminal Procedure; Senate bill No. 117, to amend section thirteen of an act providing for a geological survey of the State; Senate bill No. 189, to authorize justices of the peace to employ assistant assessors in certain cases; Senate bill No. 192, to validate assessments made by assistant assessors; House bill No. 316, to legalize the acts of certain officers; House bill No. 305, to define the land districts of Brown and San Saba counties; House bill No. 234, to enable one person to hold two or more offices in certain cases; House bill No. 233, to make clerks of the district courts in certain counties to qualify as justices of the peace; House bill No. 228, to designate the holidays to be observed in the acceptance and payment of bills of exchange, bank checks and promissory notes; House bill No. 222, to require the Commissioner of the General Land Office to furnish copies of field notes and surveys to counties of the State; House joint resolution No. 22, authorizing the Governor to settle the claim of George W. Paschal; House bill No. 122, "An act to amend and supplemental to 'An act to provide for the incorporation of towns and cities,'" approved May 26, 1873, the same being "An act to amend and supplemental to 'An act to provide for the incorporation of towns and cities,'" approved January 27, 1858; House bill No. 205, "An act to protect fish in the inland streams and waters of Texas during the spawning season."

Senator Westfall moved that the Senate go into a Committee of the Whole.

Senator Davenport moved that the Senate stand adjourned. Carried by the following vote:

Yeas—Senators Ball, Bradshaw, Burton, Camp, Davenport, Dillard, Erath, Hobby, Morris, Moore, Trolinger, Westfall and Wood—13.

Nays—Senators Allison, Baker, Culberson, Dwyer, Flanagan, Friend, Ledbetter, Randle, Russell, Stirman and Swift—11.

FORTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, March 13, 1874.

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

On motion of Senator Trolinger, Senator Parker was excused for the day on account of illness.

Senator Dillard presented three petitions from citizens of Cherokee county, all "praying that the present county of Cherokee be divided into two counties." Read and referred to committee on Counties and County Boundaries.

By leave, Senator Dillard introduced a bill entitled "An act to create the county of Dillard." Read first time and referred to committee on Counties and County Boundaries.

(Senator Ball in the chair.)

Senator Dwyer, by leave, introduced a bill entitled "An act for the relief of the veterans of the revolutionary war, herein named." Read first time and referred to Committee on Private Land Claims.

Senator Camp presented a memorial from the county court of Smith county. Read and referred to Committee on State Affairs.

Senator Friend presented a petition from a portion of the citizens of Matagorda county, "asking that the portion of the county in which they live, may be added to the county of Calhoun." Read and referred to Committee on Counties and County Boundaries.

Senator Dillard presented a petition from the town of Jacksonville, Cherokee county and vicinity, "asking that the Legislature pass a law to prohibit the sale of spirituous liquors within three miles of said town." Read and referred to Judiciary Committee.

Senator Wood for special joint committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your special joint committee to whom was referred the address to remove Hon. J. B. Williamson, Judge of the Sixth Judicial District, have had the same under consideration, and have summoned the said